

### **REMARKS**

The Office Action of July 24, 2006 has been carefully considered.

It is noted that claims 1, 2, 4, 5, 9 and 11-13 are rejected under 35 U.S.C. 112, 2<sup>nd</sup> paragraph.

Claims 1, 4, 5, 9, 11 and 13 are rejected under 35 U.S.C. 103(a) over the patent to Chatham in view of the patent to Schmidt.

Finally, it is noted that claims 2 and 12 would be allowable if rewritten in independent form and to overcome the rejection under 35 U.S.C. 112, 2<sup>nd</sup> paragraph.

In view of the Examiner's rejections of the claims, applicant has amended claims 1 and 11.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the independent claims to more clearly recite that the stop bar engages against the perimeter of the hole. Furthermore, applicant has revised the claims to recite that the stop bar bears against the engagement members in a use position. Applicant submits that now there is no way to interpret the claim as intending the stop bar to always bear against the engagement means.

In view of these considerations, it is respectfully submitted that the rejection of claims 1, 2, 4, 5, 9 and 11-13 under 35 U.S.C. 112, 2<sup>nd</sup> paragraph is overcome and should be withdrawn.

It is respectfully submitted that the claims now on file differ essentially and in an unobvious, highly advantageous manner from the constructions and methods disclosed in the references.

Turning now to the references, and particularly to the patent to Chatham, it can be seen that this patent discloses an apparatus for preventing unintended movement of an elevator car.

The patent to Schmidt, et al. discloses a weight distributing hitch assembly.

The Examiner combined these references in determining that claims 1, 4, 5, 9, 11 and 13 would be unpatentable over such a combination. The Chatham reference, and problems associated therewith, are fully acknowledged and discussed in paragraph 10 of the specification of the present application. Chatham discloses an apparatus comprised of two bolts (61, 93) extendable from either side of the bottom bolster channel (11e) supporting the car. In the extended position, each of the bolts (61, 93) engages with a steel plate (80, 94) mounted to the neighboring guide rail (38, 30b) to thereby prevent upward movement of the car. If a service technician is working on the top of the car, it would be difficult, if not impossible for him to see if the bolts (61, 93) have been extended and correctly engaged with the steel plates (80, 94). Chatham does not disclose a stop bar having "opposing ends that bear against the engagement members in the use position", as in the presently claimed invention. Clearly the stop bar 61 of Chatham has only one end that engages the steel plate 80. A completely separate stop bar 93 engages an additional plate 94. There is no teaching of the stop bar having both ends that bear against engagement members, as in the presently claimed invention. As far as the Schmidt, et al. reference is concerned, applicant submits that this is completely irrelevant and unrelated art and there is no suggestion for combining the teachings of Schmidt, et al. with Chatham. However, even if for some unknown reason one were to combine these references, it would not result in a construction as recited in the claims presently on file. The combination of references does not teach an assembly

In view of these considerations, it is respectfully submitted that the rejection of claims 1, 4, 5, 9, 11 and 13 under 35 U.S.C. 103(a) over a combination of the above discussed references is overcome and should be withdrawn.

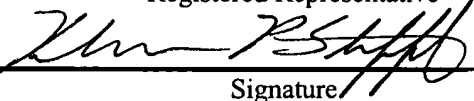
Reconsideration and allowance of the present application is respectfully requested.

In the event any actual fee is greater than any payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 06-2143.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450:

Klaus P. Stoffel

Name of applicant, assignee or  
Registered Representative

  
Signature

October 24, 2006

Date of Signature

Respectfully submitted,



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